

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO:21891/1996

BETWEEN:

Sri KC.Nanjundappa,  
s/o late Chikkabommaiah,  
attender, PCA & RD Bank,  
Gowribidanur,  
R/o Kaaludi village,  
Gowribidanur Taluk,  
Kolar district.

(By Sri Deshraj, Adv)

..Petitioner

AND:

1. The Member Secretary,  
Common Cadre Authority,  
(for PCA & RD Banks),  
and Managing Director,  
Karnataka State Co-op.,  
Agricultural Development Bank,  
Alur Venkatarao Road, Chamarajpet,  
Bangalore-560 018.
2. The Primary Co-op.,Agricultural &  
Rural Development Bank,  
Gowribidanur, by its Secretary  
at Gowribidanur, Kolar district.

(By Sri N.Nagesh for R-1

Smt.Nalini Venkatesh for M/s Kesvy  
& co, for R-2;)

..Respondent;

Writ petition is filed under Article 226 of the constitution of India with a prayer to quash vide Annex-B dt.22.7.96 by R1 and grant stay and etc.,

This petition coming on for orders this day the Court made the following:

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Heard Mr. Deshraj, learned counsel for the petitioner, Mr. N. Nagesh, learned counsel for respondent - 1 and Smt. Nalini Venkatesh for M/s Kesvy & Co., learned counsel for respondent 2.

2. The present writ petition is directed against the order dt. 22.7.1996 (Annexure 'B') transferring the petitioner from Gowribidanur branch to Srinivasapura branch of Primary Co-Operative Agricultural and Rural Development Bank.

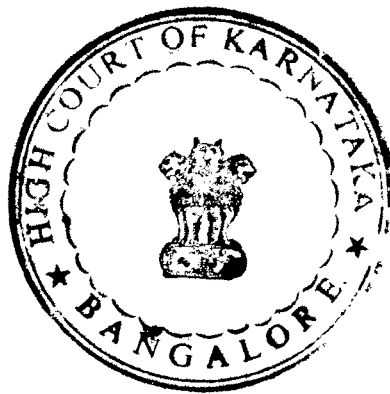
3. Respondents <sup>have</sup> filed their Statement of objections contending that pursuant to the order of transfer at Annexure 'B', the petitioner was relieved of his duties on 30.7.1996 (Annexure R1) to report for duty at Srinivasapura Branch. On 30.7.1996 itself, the petitioner sought for salary advance and transfer grant (Annexure R7) and withdrew the same vide voucher No. 114 and 116 respectively. Nonetheless, the petitioner has not reported for duty at Srinivasapura Branch.

4. Though copy of the Statement of Objections has been served on the petitioner on 30.10.96, no further affidavit to dispute the contentions of the respondents has been filed by the petitioner. It appears that the petitioner, who is an attender of the respondent-bank, by suppressing the material facts, <sup>had</sup> filed the present writ petition on 31.7.1996 and obtained a stay order on 2.8.1996 and as stated by the respondents he has not reported for duty till this day to his place of transfer in view of the interim order passed by this court which is obviously not enforceable and inconsequential

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for the petitioner's case inasmuch as <sup>much</sup> before granting of interim order the petitioner had already been relieved of his duties by the respondents. The petitioner has not made out any good ground for not reporting for duty at Srinivasapura Branch. At this stage, learned counsel for the petitioner, on instructions, seeks leave of this Court to withdraw the writ petition.

5. Leave granted. The writ petition is dismissed as withdrawn.



Sd/-  
JUDGE

jsk/-